

LINDA KROP (Bar No. 118773)
lkrop@environmentaldefensecenter.org
MARGARET M. HALL (Bar No. 293699)
mhall@environmentaldefensecenter.org
ENVIRONMENTAL DEFENSE CENTER
906 Garden Street
Santa Barbara, CA 93101
Tel. (805) 963-1622 / Fax. (805) 962-3152
*Attorneys for Environmental Defense Center, Get Oil Out!, Santa Barbara
County Action Network, Sierra Club, and Surfrider Foundation*

JULIE TEEL SIMMONDS (Bar No. 208282)
jteelsimmonds@biologicaldiversity.org
ELIZABETH JONES (Bar No. 326118)
ljones@biologicaldiversity.org
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Tel. (510) 844-7100/ Fax. (510) 844-7150
Attorneys for Center for Biological Diversity and Wishtoyo Foundation

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

EXXON MOBIL CORPORATION,

Petitioner/Plaintiff,

v.

SANTA BARBARA COUNTY
BOARD OF SUPERVISORS,

Respondent/Defendant,

and

ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!, SANTA
BARBARA COUNTY ACTION
NETWORK, SIERRA CLUB,
SURFRIDER FOUNDATION,
CENTER FOR BIOLOGICAL
DIVERSITY, and WISHTOYO
FOUNDATION,

Proposed Defendant-
Intervenors.

Case No. 2:22-cv-03225(DMG MRWx)

**DECLARATION OF KATHERINE
DAVIS IN SUPPORT OF MOTION
TO INTERVENE**

Hon. Dolly Gee

Hearing: October 21, 2022

Time: 9:30 a.m.

Place: Courtroom 8C,
350 West 1st Street, Los Angeles

1 I, Katherine “Katie” Davis, hereby declare as follows:

2 1. My name is Katherine Davis. I am over 18 years old. I have personal
3 knowledge of the matters stated herein and, if called as a witness, could and
4 would competently testify thereto.

5 2. I currently live in Goleta and have for the past 23 years. I have lived
6 in Santa Barbara County for most of my life, approximately 43 years in total.

7 3. I am the Chair of the Santa Barbara-Ventura Chapter of the Sierra
8 Club, an elected member of the Sierra Club California Executive Committee, and
9 a dues-paying member of Sierra Club. Founded in 1892, Sierra Club is a national
10 nonprofit organization of nearly 833,000 members nationwide and over 169,000
11 members in California dedicated to exploring, enjoying, and protecting the wild
12 places of the earth; to practicing and promoting the responsible use of the earth’s
13 ecosystems and resources; to educating and enlisting humanity to protect and
14 restore the quality of the natural and human environment; and to using all lawful
15 means to carry out these objectives. Sierra Club seeks to intervene in the above-
16 captioned case because our members stand to gain or lose as a result of the
17 litigation: it is imperative to our mission that the court uphold Santa Barbara
18 County’s denial of ExxonMobil’s proposal to transport crude oil along our
19 coastline and inland on the notoriously dangerous Highway 166.

20 4. I am familiar with the Santa Barbara-Ventura Chapter’s membership
21 records in my capacity as Chapter Chair. We currently have 5,234 active
22 members of the chapter. Sierra Club has members who live, work, learn, and
23 recreate in the region that would be affected if ExxonMobil’s project could
24 proceed. In particular, Sierra Club has members who live along the route,
25 including immediately adjacent to the freeway, who would be disproportionately
26 affected. Our members use and rely on the roads on the proposed trucking route
27 as they go about their daily lives. Many also enjoy recreating in the near vicinity
28 of the route. For example, Sierra Club hike leaders lead hikes on just about all the

1 front and backcountry trails in the region, including 166 trails such as scenic
2 Willow Springs.

3 5. Sierra Club's interest in this case stems from our longstanding
4 efforts to support the transition away from oil—in Santa Barbara County,
5 throughout the State of California, in state and federal waters off the California
6 coast, and on a broader level. Sierra Club and its members are extremely
7 concerned about the dangers posed by oil and gas drilling and transportation, its
8 threats to the safety and health of those who live, learn, work, and recreate along
9 proposed transportation routes, the risks of major accidents that would devastate
10 the local environment, such as oil spills, and its contribution to the ongoing
11 climate crisis.

12 6. It is Sierra Club's position that cuts in greenhouse gas emissions are
13 scientifically necessary to contain the world's climate disruption, and humanity
14 cannot achieve the degree of reduction necessary to stabilize the climate without
15 reducing our dependence on oil. As part of our Beyond Dirty Fuels campaign,
16 Sierra Club has dedicated significant resources, including in California and
17 offshore, to phasing out fossil fuels and fighting the oil industry's ongoing
18 disinformation campaign and long-running resistance to greater regulation.

19 7. Sierra Club seeks to intervene in the above captioned case to ensure
20 protection and adequate representation of our interests in safe communities,
21 healthy ecosystems, a stable climate, and the responsible use of the earth's
22 resources; and the significant funds we have invested to date in advocating for a
23 phase out of fossil fuel. The outcome of this case will directly affect me
24 personally, our organizational interests, and our members in Santa Barbara
25 County.

26 8. Personally, I live in the Goleta area, and have lived here for 23 years,
27 which is the closest populated community to the Exxon project. I live just 15
28 miles from the ExxonMobil Las Flores Canyon and POPCO Facilities, and have

1 regularly enjoyed day use at Refugio beach and have camped at Refugio state
2 park where the trucks would be getting on and off the freeway, turning around
3 and going over bridges and near the ocean. The ocean, beaches and bluffs of
4 Goleta and the Gaviota coast are incredibly beautiful and precious to me. I
5 enjoy hiking on trails throughout this region and further up along the route, such
6 as along Refugio beach, Baron Ranch, Gaviota, and Nojoqui Falls. I also travel on
7 the route to access Grass Mountain, and points north; a favorite of mine is
8 Montana De Oro state park. I love these areas and normally enjoy them for
9 walking and running, the peaceful serenity, connection to nature, and observing
10 wildlife. I have already experienced a decreased enjoyment of these areas due to
11 the 2015 oil spill—they were shut down for weeks while hazmat crews cleaned
12 the beaches after the 2015 oil spill from the pipeline transporting ExxonMobil's
13 oil from their offshore platforms. Even after the beaches were reopened, the area
14 was degraded, smelled of oil and the ocean was so full of tar, I couldn't go in the
15 water. I also was distressed by the wildlife killed and injured by the spill. I am
16 very concerned about the increased risk of oil spills that the trucking project
17 poses.

18 9. I, along with my family, regularly use the roads that would be
19 impacted by the trucking project. Highway 101 is the only way in and out of
20 Goleta to points north. My son attends Cal Poly in San Luis Obispo, so I regularly
21 travel back and forth via highway 101 to visit him. I travel, visit people, and
22 attend meetings and hearings in Santa Maria and points north. For instance, I
23 serve on the Santa Barbara County Air Pollution Control Board Community
24 Advisory Committee ("CAC") and the Central Coast Community Energy CAC
25 that both meet in Santa Maria or points north when in person.

26 10. I find great peace of mind and relief in the County's denial of the
27 ExxonMobil trucking project. If it were allowed to go forward as a result of this
28 litigation, I would be personally, deeply devastated and concerned about my own

1 safety travelling along the route. I would certainly not enjoy recreating along the
2 proposed route as much, especially at Refugio beach, due to the increased traffic.
3 In addition, tanker truck accidents can shut down the freeway and cause traffic
4 jams for hours or days, which would greatly impact me. They can also start fires.
5 Those of us living in Goleta are vulnerable to wildfires that could be started by
6 Exxon's trucks and other facilities. Much of my neighborhood burned down,
7 including parts of my property, on a record-breaking hot, windy night in 2018
8 made worse by climate change. There have been several fires in and around
9 ExxonMobil's property since then that threatened Goleta.

10 11. I would also be very concerned about the impacts on local wildlife
11 due to the increased risk of oil spills, which is an unavoidable impact of the
12 project. All types of freshwater organisms are susceptible to the deadly effects of
13 spilled oil, including mammals, aquatic birds, fish, insects, microorganisms, and
14 vegetation. The effects of spilled oil on freshwater microorganisms, invertebrates,
15 and algae tend to move up the food chain and affect other species. Spills can also
16 pollute drinking water.

17 12. Moreover, when they were in operation, ExxonMobil's facilities
18 were the largest facility sources of pollution in the County, including PM2.5,
19 which causes lung disease, heart disease and cancer and can travel hundreds of
20 miles. ExxonMobil's trucking project would involve restarting those facilities and
21 add additional pollution from diesel truck traffic. Living nearby, I would be
22 personally affected by that pollution, as are my elderly parents who also live in
23 Goleta and both have chronic lung conditions, and my husband who suffers from
24 asthma. PM2.5 also increases vulnerability to viruses like COVID and is
25 increasing as a result of hotter conditions and wildfires.

26 13. In my capacity as Chapter Chair, I have been very active in opposing
27 ExxonMobil's efforts to restart production at its offshore platforms and transport
28 its oil via tanker truck. This effort really began about seven years ago, when

1 Sierra Club was involved in oil spill response after the May 19, 2015 oil spill. We
2 helped organize events to call attention to the impacts, for example on May 31,
3 2015, more than 500 people rallied and marched to the ocean and paddled out to
4 protest the spill. I testified at a State Hearing on pipeline safety in October
5 2015. We also wrote to County decision-makers and organized opposition to
6 ExxonMobil's request for an "emergency" trucking permit, which was rejected by
7 the County on June 9, 2015.

8 14. I drafted an opinion piece called "Vote for the Planet, Remember the
9 Earth on June 7" published in the Santa Barbara Independent on April 22,
10 2016 noting ExxonMobil's role in casting doubt on climate change. Throughout
11 2017, Sierra Club organized events and published content to drive awareness of
12 the dangers of offshore oil extraction, for example, holding a protest on April 17,
13 2017, a Climate March on April 29, 2017 and a press event for CA Coast Act to
14 prohibit oil leases in the Pacific on June 28, 2017.

15 15. With respect to the trucking project at issue in this litigation, Sierra
16 Club has been actively opposing this effort since its inception, and at every step
17 along the way. We organized members and commented in opposition at the July
18 11, 2018 Scoping Hearing on ExxonMobil's Oil Trucking Project.

19 16. On January 27, 2019, Sierra Club National Executive Director spoke
20 in Santa Barbara on the anniversary of the 1969 oil spill. Shortly thereafter, I
21 authored an opinion piece on the Plains pipeline spill and ExxonMobil's restart
22 efforts, published in the Santa Barbra Independent, on February 3, 2019. I also
23 authored letters to the editor regarding ExxonMobil's trucking proposal published
24 at Noozhawk on May 10, 2019 and July 19, 2019, and published at Pacific
25 Business Times on August 9, 2019.

26 17. On May 16, 2019, on behalf of Sierra Club, I commented at the
27 Board of Supervisors' hearing on the supplemental environmental impact report
28

1 for the Project, requesting that staff should recommend denial of the Project to the
2 Planning Commission.

3 18. Throughout 2020, we continued efforts to organize public opposition
4 to ExxonMobil's project. We organized and encouraged cities to oppose the
5 Project, for example by submitting a Letter to Santa Barbara City for its August 4,
6 2020 meeting. I authored an opinion piece published in the Santa Barbara
7 Independent on May 19, 2020 entitled "Remembering an Oil Spill in the Midst of
8 Pandemic; 142,000 Reasons to Say No to Exxon." In that piece I wrote about my
9 personal experience: "At the first hearing of this trucking proposal in July 2018, I
10 was feeling emotional. I hadn't slept for three days after my house almost burned
11 down in the Holiday Fire the prior week. My neighborhood was a smoky
12 wasteland. An expert said there is a ninety-nine percent likelihood that climate
13 change increased the severity of the heatwave that created the freaky tinderbox in
14 which that fire erupted a half mile from my house." We also released a press
15 statement on the public about the project in relationship to the Phillips refinery
16 shutdown on August 13, 2020.

17 19. When the County staff actually recommended *approval* of the
18 Project, we knew that intensive efforts were needed on our part to convince the
19 decisionmakers to deny the Project. When the Project went before the Planning
20 Commission we were very involved in organizing members, submitting written
21 and oral testimony at both the September 29, 2021 and November 3, 2021
22 hearings. Similarly, we organized and commented to the Board of Supervisors at
23 the March 8, 2022 meeting.

24 20. Throughout this process, I have also been actively involved in a
25 coalition of environmental groups concerned about the impacts of this Project.
26 We organized among the groups to coordinate efforts and strengthen our
27 opposition to the project. I also met with members of the Planning Commission
28 and Board of Supervisors to urge them to recommend denial or deny the Project.

1 Sierra Club has also supported our opposition to the project with active social
2 media efforts calling our members to action—to submit comments and show up at
3 the relevant hearings.

4 21. I have worked tirelessly during this multi-year process because I
5 can't stand to think of our communities devastated by more trucking accidents—
6 many of which result in fatalities, or to see our local environment poisoned by
7 another oil spill.

8 22. Sierra Club's mission is directly implicated by this project, and the
9 outcome of the case. I am familiar with the litigation ExxonMobil has brought
10 seeking to challenge the County's denial of its Project. Sierra Club seeks to
11 intervene as a party in this case in order to protect our members' interests. Sierra
12 Club's members' interests and my personal interests are specifically threatened
13 because the proposed oil trucking would result in increased risk of oil spills, harm
14 to wildlife, waters, and cultural resources, and lead to more accidents. A court
15 order upholding Santa Barbara County's decision will ensure the safety of its
16 residents and protection of the environment, and would make me feel personally
17 much safer and less anxious about my travels for work and to visit family along
18 the proposed route. If the decision is not upheld, drivers and ecosystems will be
19 put at considerable risk from traffic accidents and oil spills, which would decrease
20 my own use and enjoyment of the area.

21 I declare under penalty of perjury that the foregoing is true and correct to
22 the best of my knowledge, information, and belief.

23 Executed at Goleta, California, on August 29, 2022.

24
25 

26
27 **Katie Davis**
28